

REMARKS

Claims 1, 3-5, 9-15, and 17-18 are pending in this application. Claim 17 stands withdrawn. The Office Action rejects claims 1-16 and 18 under 35 U.S.C. §103(a). By this Amendment, claims 1, 4, 5 and 13 are amended; and claims 2, 6-8, 16 and 18 are cancelled. Support for the amendments to claim 1 can be found in original claim 6; support for the amendments to claim 13 may be found in the present specification at, for example, page 5, lines 10-13; claims 4 and 5 are amended merely to accord with amended independent claim 1. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Rejection under 35 U.S.C. §103(a)

Claims 1-16 and 18 are rejected under 35 U.S.C. §103(a) as having been obvious over Kim (U.S. Patent Application Publication No. 2003/0232514) in view of Hatano (U.S. Patent No. 5,963,834). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Kim in view of Hatano fails to teach or suggest each and every feature of independent claims 1 and 18. Specifically, Kim in view of Hatano at least fails to teach or suggest that, during a 2nd purge, "the supply of the inert gas into the reaction furnace is performed under a state that *the exhaust valve is closed*," (emphasis added). The Office Action admits at pages 5-6 that Kim in view of Hatano does not teach this

feature, but alleges that "the valve would especially be closed to a sensitive pump during heating and purging as in Hatano at the bottom of column 4 to the top of column 5."

Applicants respectfully traverse this assumption.

Applicants respectfully submit that the Office Action's allegation is clearly based on hindsight, in that it reads features into the applied references that are nowhere taught by the references, but are instead only taught by the present disclosure. Specifically, Applicants respectfully submit that Hatano nowhere discloses closing the exhaust valve during a purging cycle, as the Office Action alleges, but instead teaches the *exact opposite*. Hatano at column 5, lines 1-12, specifically states that "when the purging gas... is thus flowed... into the chamber 1, the cleaning residue left in the associated pipe and the chamber 1 is *purged quickly out of the exhaust pipe 8*," (emphasis added). This teaching clearly indicates that the exhaust valve (i.e. pipe 8) is *open*, not *closed*. Hatano therefore *teaches away* from the presently claimed invention. Under MPEP 2141.03(VI), teaching away is a strong indicia of non-obviousness.

Furthermore, Applicants respectfully submit that Kim fails to cure this deficiency of Hatano. Kim nowhere teaches the feature that "the supply of the inert gas into the reaction furnace is performed under a state that the exhaust valve is closed," nor does the Office Action allege so.

Accordingly, independent claims 1 and 18 would not have been obvious over the applied references, for at least the reasons discussed above. Dependent claims 3-5, 9-15 and 17 (as well as new dependent claim 19) therefore also would not have been obvious for at least the reason that independent claims 1 and 18 would not have been obvious. All other dependent claims are cancelled.


Reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:STD/emd

Attachment:

Petition for Extension of Time

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